

REMARKS

Applicants respectfully request reconsideration of the application as amended. Claims 1-27 are pending. Claims 1, 5, 16, and 26 have been amended. No claims have been cancelled.

I. General Considerations

Applicants note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

Applicants also note that the remarks presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited reference. Such remarks, or a lack of remarks, are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

II. REJECTIONS MADE BY THE EXAMINER

A. Rejection Under 35 U.S.C. §102

In the present Office Action, claims 1-27 were rejected under 35 U.S.C. 102(b) as being anticipated by Bird et al. (U.S. Patent Number 6,108,438). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a

single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

In response, Applicants have amended claims 1, 16, and 26 to further distinguish the claims from the cited reference. The dependent claim 5 is amended to further clarify the claim. As amended, Applicants respectfully assert that Bird et al. does not teach or discloses each and every limitation set forth in the amended independent claim 1, 16, and 26, since the apparatus and the method as presently claimed is clearly distinct from the finger sensing device as disclosed in Bird et al. As such, the cited reference Bird et al. does not anticipate the amended independent claims 1, 16, and 26 and the claims should be allowed.

1. Patentability of Amended Independent Claim 1

The amended independent claim 1 recites in part: “*a conductive structure adjacent to the pixel array, the conductive structure exposed for physical contact with a body part of a user; and a first signal generator coupled to the conductive structure, wherein the first signal generator is operable to drive a charge through the conductive structure to the body part.*”

Bird et al. teaches a finger sensing device having strips of conductive material on the upper surface of the insulating layer (Column 9, Lines 52-55), which is grounded to improve the grounding of the individual finger portions. The device described by Bird et al. also contains a pulse generating circuit to generate a selection signal in form of voltage pulse to the row conductors (Column 6, Lines 39-42), and a pulse generating circuit to drive the associated column conductor (Column 6, Lines 42-57). In contrast, the amended claim 1 is distinguishable from the cited references in several ways. First, the strips of conductive materials in Bird et al. are situated above the upper surface of the insulating layer, whereas the “conductive structure” in the amended claim 1 is “adjacent to the pixel array.” Second, the strips of conductive materials in Bird et al. is to provide grounding, whereas the “conductive structure” in the amended claim 1 is “coupled” with “a first signal generator” which “drive(s) a charge through.” The conductive materials in Bird et al. are not used to “drive a charge through” and therefore are distinguishable from the amended claim 1. Third, the pulse generated by the pulse generating circuit and the

pulse generating circuit in Bird et al. is only driven thru the circuits, whereas the “charge” in the amended claim 1 is “drive(n) through...the body part,” which is clearly distinguishable. For the foregoing reasons, Applicant respectfully submits that the Examiner has failed to establish that the amended independent claim 1 is anticipated by Bird et al. because the Examiner has not established that each and every element as set forth in claim 1 is found in Bird et al. The rejection to the amended independent claim 1 should be withdrawn.

2. Patentability of Independent Claim 16 and 26

The amended independent claim 16 recites a method which comprises “*driving a first charge from a conductive structure adjacent to the pixel array to the finger and through the finger into at least one of the plurality of storage capacitors.*”

In the Office Action, the Examiner alleges that Figs. 3 and 7 and Column 10 Lines 10-35 in Bird et al. correspond to the method described in the independent claim 16. In response, Applicants amended the independent claim 16 to clarify and to further distinguish the claim from the cited reference. Bird et al. describes applying pulse signals to row and column conductors (Column 10, Lines 28-35). As amended, the independent claim 16 is distinct from Bird et al. since in the amended claim 16, “a first charge” is driven from “a conductive structure adjacent to the pixel array” and “through the finger,” whereas in Bird et al. the pulse is applied to the sense circuits only and not through the user’s finger as described in the claimed invention. As such, Applicants respectfully submit that the Examiner has failed to establish that the amended independent claim 16 is anticipated by Bird et al. because the Examiner has not established that each and every element as set forth in claim 16 is found in Bird et al. The rejection to the amended independent claim 16 should be withdrawn.

The amended independent claim 16 recites an apparatus comprising “*means for driving a first charge from a conductive structure adjacent to the pixel array to the finger and through the finger into a first contact of at least one of the plurality of storage capacitors.*” As amended, the independent claim 26 contains the similar limitation as in the amended independent claim 16. As such, the amended independent claim 26 is also not anticipated by Bird et al. as the above

remarks have concluded, and should be allowed as least for the same reason as the amended independent claim 16.

3. Patentability of the Dependent Claims Associated with Amended Independent Claims 1, 16, and 26

The dependent claims 2-15, 17-25 and 27 were rejected under 35 U.S.C. 102(b) as being anticipated by Bird et al. Since the dependent claims 2-15, 17-25 and 27 depend on the amended independent claims 1, 16, and 26, each dependent claim includes all the limitations of the respective base claim. If the respective base claim is allowable as concluded by the remarks above, these dependent claims also are not anticipated by the cited references as alleged in the Office Action. For the foregoing reason, Applicant respectfully submits that the dependent claims 2-15, 17-25 and 27 should be allowed for at least the same reasons that their respective base independent claims 1, 16, and 26 are allowable.

B. Conclusion

In view of foregoing, Applicants respectfully submit that each of the pending claims 1-27 is in condition for allowance. Therefore, reconsideration of the rejection is requested and allowance of these claims is earnestly solicited. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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